

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Small Bay Partners, LLC's property

DEPARTMENT: County Attorney's Office

DIVISION: Litigation

AUTHORIZED BY: Lola Pfeil

CONTACT: Sharon Sharrer

EXT:

MOTION/RECOMMENDATION:

Approval of the proposed negotiated settlement relating to Parcel Numbers 122/722A/722B/722C of the County Road 15 road improvement project. The proposed settlement is at the total sum of \$217,352.00 inclusive of all compensation to the owner, attorney fees of any kind, all costs, interest and any other matter for which Seminole County might be obligated to pay relating to these parcels. Judge Dickey.

District 5 Brenda Carey

BACKGROUND:

see attached

STAFF RECOMMENDATION:

Staff recommends the Board approve the proposed negotiated settlement relating to Parcel Numbers 122/722A/722B/722C of the County Road 15 road improvement project. The proposed settlement is at the total sum of \$217,352.00 inclusive of all compensation to the owner, attorney fees of any kind, all costs, interest and any other matter for which Seminole County might be obligated to pay relating to these parcels.

ATTACHMENTS:

1. Small Bay Partners, LLC's property

Additionally Reviewed By: No additional reviews



**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

FROM: Matthew G. Minter, Deputy County Attorney
Ext. 5736 *See for*

CONCUR: Pam Hastings, Administrative Manager/Public Works Department
David Nichols, Principal Engineer/Engineering Division *0005801*

DATE: December 21, 2007

RE: Settlement Authorization
County Road 15
Parcel Nos. 122/722A/722B/722C; Small Bay Partners, LLC
Seminole County v. Small Bay Partners, LLC.
Case No. 2007-CA-827-13-W

This memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel Nos. 122/722A/722B/722C on the County Road 15 road improvement project. The recommended settlement is at the total sum of \$217,352.00 inclusive of all compensation to the owners, attorney fees of any kind, all costs, interest and any other matter for which Seminole County might be obligated to pay in the referenced case allocated as follows:

\$191,200.00	Land value, severance damage, and statutory interest
\$ 9,471.00	Statutory attorney's fee
\$ 12,962.25	Engineering cost reimbursements
\$ 2,625.00	Appraisal cost reimbursements
\$ 1,093.75	General contractor reimbursements
<u>\$217,352.00</u>	Total

I. THE PROPERTY:

A. Location Data

The subject property is located at the southwest corner of County Road 15 (Monroe Road) and Church Street within unincorporated Seminole County, Florida. A location map is attached as Exhibit A.

B. Property Address

The subject property has an office/warehouse on it. Each unit has a different address on Monroe Road or Church Street. A parcel sketch is attached as Exhibit B.

II AUTHORITY TO ACQUIRE.

The BCC adopted Resolution No. 2006-R-114 on May 9, 2006, authorizing the acquisition of the referenced parcels. The County Road 15 road improvement project was found to be necessary and serves a public purpose and is in the best interests of the citizens of Seminole County. The Order of Take occurred on June 7, 2007, with title vesting in Seminole County on June 19, 2007, the date of the good faith deposit in the amount of \$151,200.00 for these parcels.

III ACQUISITIONS AND REMAINDER

Parcel No. 122 is a 22,825 square feet acquisition in fee simple from a parent tract of 590,020 square feet with a remainder of 567,195 square feet. The fee simple taking is a rectangular shaped parcel off the subject's C-15 frontage. All the temporary construction easements are also rectangular in shape; Parcel No. 722A contains 66 square feet which will be used to construct a drainage inlet; Parcel No. 722B has 801 square feet and its purpose is to reconnect the C15 ingress/egress driveway. Parcel No. 722C is 120 square feet and will be used in conjunction with Parcel No. 722A.

IV APPRAISED VALUES

The County's original appraisal report dated September 20, 2006, was prepared by Florida Realty Analysts, Inc., and reported full compensation to be \$144,300.00 for Parcel No. 122 and \$200.00 for Parcel No. 722A, \$1,600.00 for Parcel No. 722B and \$5,100.00 for Parcel No. 722C. The updated report for the order of take hearing that occurred June 7, 2007, opined the same values. To date, the owner does not have an appraisal report.

V BINDING OFFER/NEGOTIATION

The County's initial written offer was \$162,500.00, exclusive of costs and fees. The owner initially sought non-monetary benefits valued at an additional \$80,000.00, but then settled for a total of \$191,200.00, exclusive of fees and costs.

VI ATTORNEY'S FEES AND COSTS

A. Attorney's Fees. The statutory attorney's fee reimbursement totals \$9,471.00. The sum is statutorily computed based upon a settlement sum of \$191,200.00 less a first written offer of \$162,500.00 to produce a benefit of \$28,700.00.

B. Cost Reimbursements. The owner's cost claim of \$16,681.00 for expert fees and cost reimbursements is reasonable.

VII COST AVOIDANCE

The owner's engineer identified several items of severance damages and proposed a cure plan that would have cost approximately \$80,000.00 in addition to the good faith deposit. The owner then entered a deal to sell the remainder to a third party who apparently elected not to obtain the cure and have its cost added to the purchase price for the remainder. The owner sold the remainder to the third party without the cure. The owner is willing to settle for \$40,000.00 monetary compensation in addition to the good faith estimate. Since the \$40,000.00 is only half the cost of the \$80,000.00 cure plan, this settlement is reasonable. This settlement will also avoid the expense of additional appraisal fees that would otherwise be necessary if we continue to litigate this case.

VIII RECOMMENDATION

County staff recommends that the BCC approve this negotiated settlement in the total sum of \$217,352.00 inclusive of all compensation to the owners, attorney fees of any kind, all costs, interest and any other matter for which Seminole County might be obligated to pay relating to these parcels.

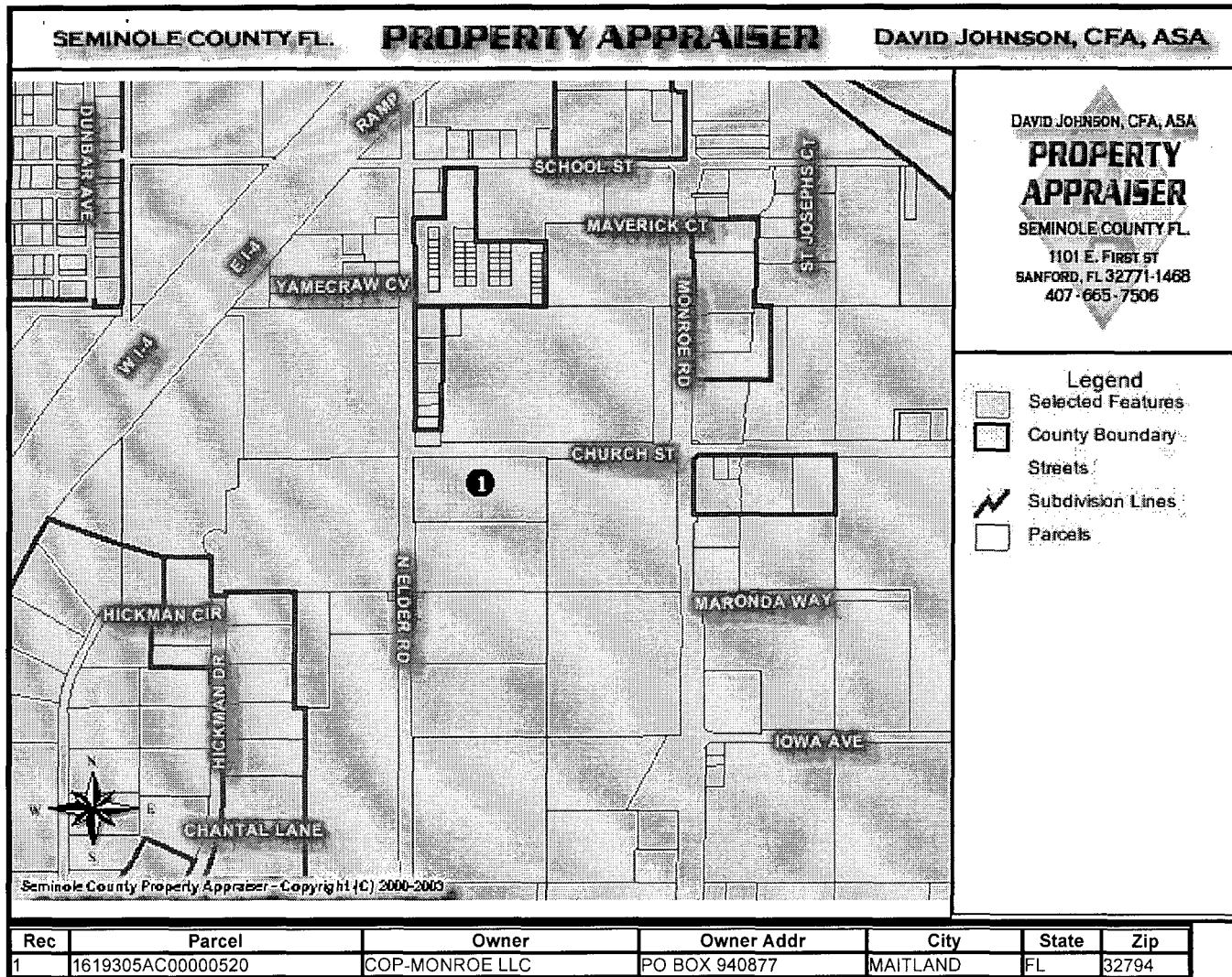
DGS/dre

Two (2) Attachments:

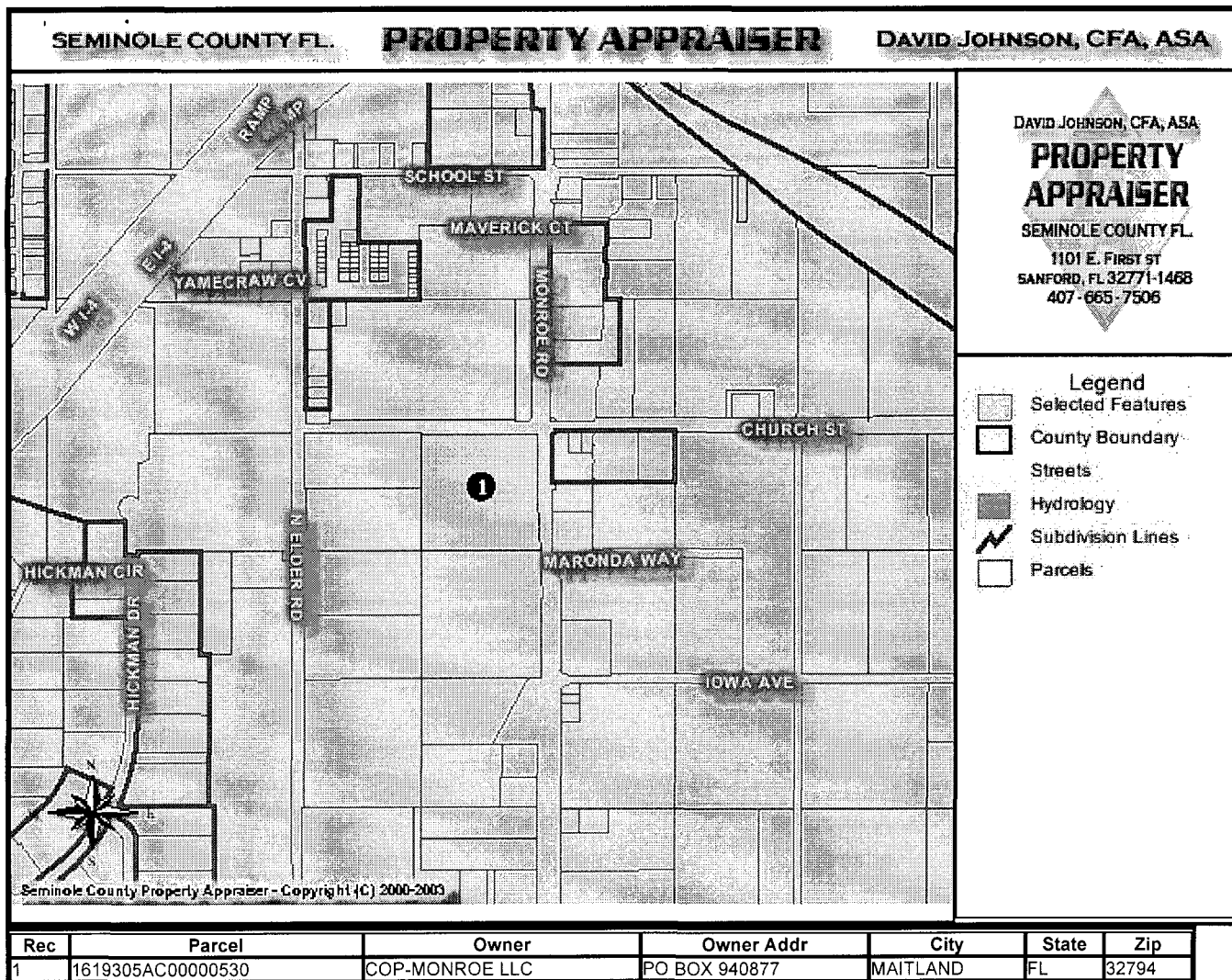
Exhibit A - Location Maps

Exhibit B - Sketch

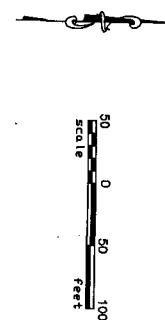
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COMPOSITE EXHIBIT A I



COMPOSITE EXHIBIT A2

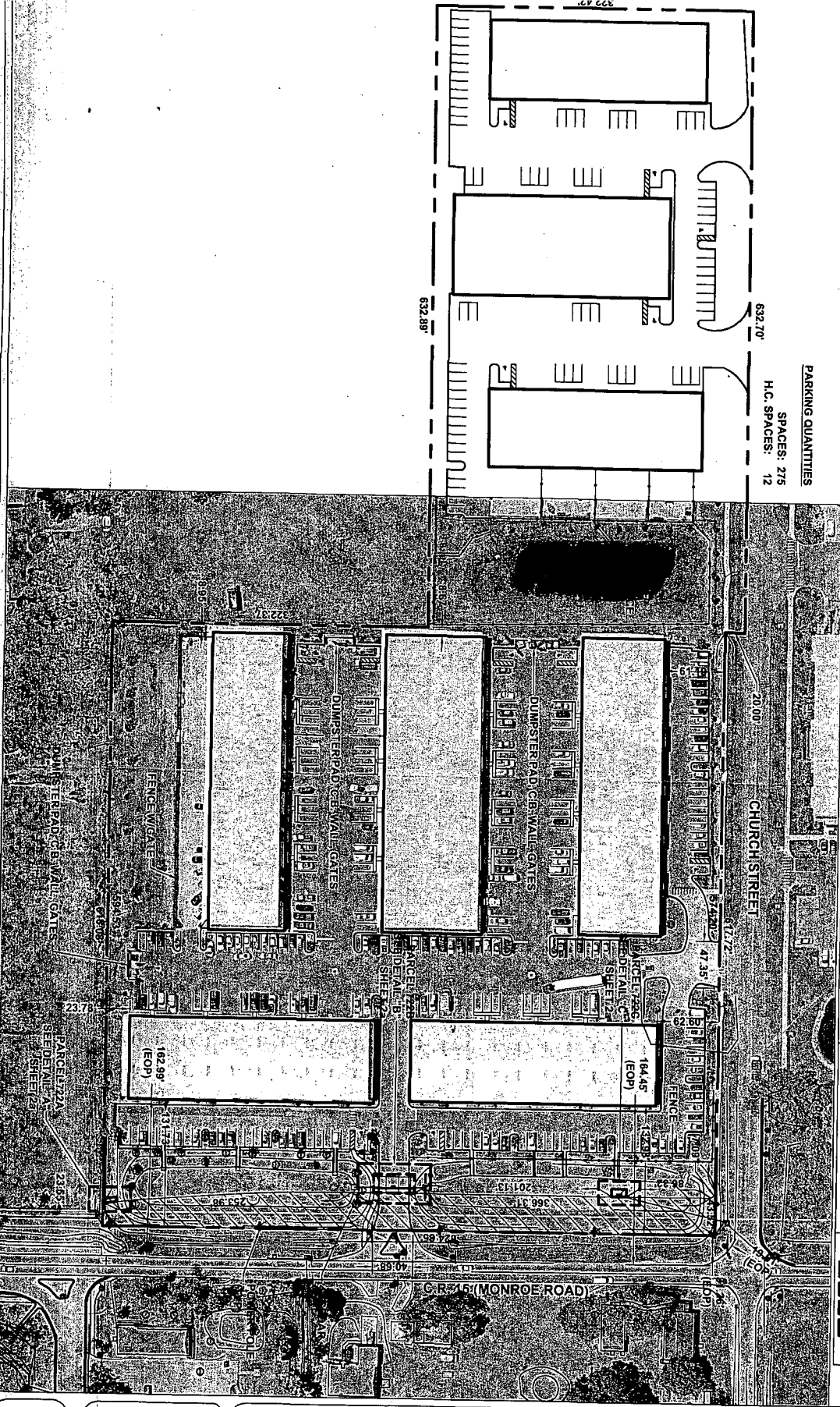


PARENT TRACT
AREA OF TAKE
REMAINDER TRACT
PROPERTY LINE

13.545 AC
0.524 AC
13.021 AC

PARKING QUANTITIES
SPACES: 275
H.C. SPACES: 12

AREA OF TAKE AND TCE	
PARCEL 122	0.524 AC
PARCEL 722A	(66 SF) 0.002 AC
PARCEL 722B	(801 SF) 0.018 AC
PARCEL 722C	(120 SF) 0.003 AC



PARENT TRACT : WITH TAKING SHOWN

PARCEL 122/722A/722B/722C
C.R. 15 / MONROE ROAD
SEMINOLE CO., FLORIDA

ADD SITE FEATURES	PHP	04/15/07
SCALE	AS SHOWN	
DRAWN	PHP	APPROVED: JMS
CHECKER	DCD	APP. DATE: 10/04/08



gal consultants
618 East South Street
Orlando, Florida 32801
407-413-0336

SHEET 2
PROJECT NUMBER
468557-03-00
FILE NAME: 56122-722AC-09